

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.7595 OF 2006

Date of decision : September 28, 2006

\* \* \* \* \*

Bhupinder Singh

.....Petitioner

Vs.

State of Punjab & others

.....Respondents

\* \* \* \* \*

**CORAM: HON'BLE MR. JUSTICE VINEY MITTAL**

**HON'BLE MR. JUSTICE H.S BHALLA**

Present: Mr. V.S Bhardwaj, Advocate for the petitioner(s).  
Mr. Sukhdip Singh Brar, Additional Advocate General, Punjab  
for respondents no. 1 & 2.  
Mr. Girish Agnihotri, Advocate for respondent no.3.  
Mr. M.L Saggar, Advocate for newly added respondents no. 4  
& 5.

\* \* \* \* \*

**Viney Mittal, J. (Oral)**

The petitioner has challenged the order dated May 23, 2005 (Annexure P-10) passed by Additional Deputy Commissioner, Ludhiana cum District Magistrate whereby the No objection Certificate granted in favour of respondent no.3-Hindustan Petroleum Corporation Limited (hereinafter referred to as 'the Corporation') for running a retail outlet being operated by the petitioner has been ordered to be withdrawn. An additional challenge has also been made to order dated April 26, 2006 (Annexure P-1) passed by the Divisional Commissioner, Patiala whereby the appeal filed by

the petitioner against the order Annexure P-10 has been dismissed.

It appears from the record that the action of withdrawal of No Objection Certificate has been taken by the competent authority primarily on the ground that there was a misrepresentation by respondent no.3-Corporation/petitioner with regard to the location of the retail outlet. According to the respondents, it has been maintained that the No Objection Certificate was issued primarily for a site in Village Salempur whereas the retail outlet has been located in the revenue estate of Village Kalewal.

Mr. V.S Bhardwaj, learned counsel appearing for the petitioner has argued that the Gram Panchayat of the Villages Salempur and Kalewal was common and even the advertisement issued by the respondent no.3-Corporation indicated the location as stretch of road between the two villages.

Without commenting on the respective pleas raised by the parties and keeping in view the facts and circumstances of the case, we deem it appropriate that the matter be reconsidered by the Additional Deputy Commissioner cum District Authority, Ludhiana-respondent no.2.

Consequently, we dispose of the present petition and quash the orders Annexure P-1 and P-10. The matter is remitted back to respondent no.2 for reconsideration of the claim made by the petitioner/respondent no.3-Corporation. Respondents no. 4 & 5 shall also be entitled to be heard before a final decision is taken by the competent authority.

While reconsidering the matter, the competent authority shall remain uninfluenced by the earlier orders Annexure P-10 & P-1.

Parties through the learned counsel are directed to appear before respondent no.2 on November 20, 2006 at 10:00 A.M.

Copy of the order be given dasti on payment of the usual charges.

**( VINEY MITTAL )**  
JUDGE

September 28, 2006  
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**( H.S BHALLA )**  
JUDGE